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Barry Boone

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY

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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

NOTIFICATION DATE

DELIVERY MODE

06/25/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWK.COM

Office Action Summary

Application No.

09/905,525

Applicant(s)

BOONE ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

All pending claims (1-45) were examined in this non-final office action necessitated by new grounds of rejection.

Response to Arguments

Applicant's arguments, see Remarks, filed 21 March 2007, with respect to the rejection(s) of claim(s) 1-45 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of eBay (PTO-892, Item: U) and supporting references. Prior eBay cited in paper #20061202 was expanded to include additional web pages from the eBay site using Internet Archive. Subasta.com was removed rendering arguments pertaining to Subasta.com moot. Wilson was removed rendering arguments pertaining to Wilson moot. eBay was significantly enhanced to covered the claimed subject matter as cited below.

A prima facie case has been clearly established by using the Assignee's own prior art. The Applicant is reminded that twice-rejected claims are eligible for appeal.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1- 3, 5, 6, 25-27, 29, and 30 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention.

eBay teaches all the limitations of claims 1-3, 5, 6, 25-27, 29, and 30. For example, eBay discloses a main web site containing directed links to region-specific auction web sites. eBay further discloses:

- determining a site that a user accesses, the site being one of multiple sites operated by a network-based commerce facility; main web page displayed on via a web browser provides an active link to Canada site, UK site, and Germany site (U: page1, "UK Link") (i.e. pre-defined multiple regional sites). Clicking the UK link results in the UK main web page being displayed (please note: a site that a user accesses was determined) (U: see page 8). Inherent in eBay are the structures necessary to permit the site being one of a multiple sites operated by a networked-based commerce facility. For example, the web browser is displaying web pages using a markup language being served by a computer-based system

communicating over the Internet that manages the commerce information being displayed.

- retrieving a category list available for the site, the category list identifying categories of offerings available via the site; the accessed UK site displays a category list and allows the user to search the UK site for items available in the UK (U: see page 8) (please note: category list retrieve to display).
- and, communicating the category list and a view selection link to the user, the accessed UK site displays a category list and allows the user to search the UK site for items available in the UK or items located in the UK (U: see page 8),
the site being a regional site, the category list being a region-specific category list, the region specific category list to enable a view of a first plurality of offerings, user selects “Antiques” within UK site (U: page 8) and receives category listings of “Antiques” and selects “Musical Instruments” (U: page 9), and receives a listing displayed on the user’s web browser of Musical Instruments available in the UK being auctioned (U: pages 10-14 and 16) (please note: availability determined; displaying if offering is available in a geographic region associated with the user; currency native to UK is shown on page 15).
the first plurality of offerings, including a second plurality of offerings based on predefined selection criteria; an alternative view link “Browse Items located in the UK” can be clicked from the “Browse Items available

to UK Buyers" page to display an alternative view of auction items (U: page 10, 15, and 16).

- displaying in a particular order. displays categories in alphabetical order (U: at least pages 1, 8, 9).

Pertaining to system claims 25-27, 29, and 30

Rejection of claims 25-27, 29, and 30 is based on the same rationale as noted above.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

- 2. Claims 4 and 28 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) in view of Applicant's Admission (regarding parsing of universal resource locators).**

eBay teaches all the above as noted under the 102(b) rejection and further teaches universal resource locators (URLs) being used by the web browser to access web pages served by the eBay web site. Although eBay does not disclose parsing URLs, eBay in combination with Applicant's Admission as providing a tutorial on how URLs are parsed teach and suggest the claimed invention.

3. Claims 7-10, 12, 14-22, 24, 31-34, and 36-40 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U).

eBay teaches region-specific auction web sites operated by a networked based commerce facility. eBay further teaches:

- determining an availability of an offering in a particular region, the offering been presented for sale via a network-based commerce facility,

main web page displayed on via a web browser provides an active link to Canada site, UK site, and Germany site (U: page1, "UK Link") (i.e. multiple regional sites). Clicking the UK link results in the UK main web page being displayed (please note: a site that a user accesses was determined) (U: see page 8). Inherent in eBay are the structures necessary to permit the site being one of a multiple sites operated by a networked-based commerce facility. For example, the web browser is displaying web pages using a markup language being served by a computer-based system communicating over the Internet that manages the commerce information being displayed. The accessed UK site displays a category list and allows the user to search the UK site for items available in the UK (U: see page 8) (please note: category list retrieve to display); The accessed UK site displays a category list and allows the user to search the UK site for items available in the UK or items located in the UK (U: see page 8); The user selects "Antiques" within UK site (U: page 8) and receives category listings of "Antiques" and selects "Musical Instruments" (U: page 9), and receives

a listing displayed on the user's web browser of Musical Instruments located in the UK being auctioned (U: pages 15 and 16) (please note: availability determined; displaying if offering is available in a geographic region associated with the user; currency native to UK is shown on page 15); An alternative view link "Browse Items available to UK buyers" can be clicked from the "Browse Items Located in the UK" page to display an alternative view of auction items (U: page 10 and 15).

- and, displaying information concerning the offering to a user only if the offering is available in a geographic region associated with the user, wherein the displaying the information concerning the offering includes displaying a listing currency in conjunction with a native currency to the user. Two items A and B listed as being located in the UK show Item B listed in native UK currency in conjunction with Item A listed in US currency (U: page 15, Items A and Item B as annotated for Applicant's convenience); user can convert listing currency to native site currency or other user-specified currency using Universal Currency Converter that allows a user to perform interactive foreign exchange rate conversion on the Internet (U: see pages 17 and 18). Although eBay does not disclose the offering includes displaying a listing currency in conjunction with a native currency to the user, it would have been obvious to one of ordinary skill in the art at time the invention was made to display the native currency of Item A in conjunction with Item A's US listing currency using

foreign exchange rate conversion in order to provide an currency conversion convenience on the same web page to the user associated with the UK site.

- offering listing characteristics, Ending Today New Today, Completed” (U: page 15); current auction price (U: at least page 15).
- shipping region. Inherent in eBay are computing structures necessary to permit offering listing characteristics that include a shipping region offering. For example, the UK web page allows a user to search for items located in UK and to search for items available in UK (please note: seller listing characteristic indicate shipping regions) (see pages 4 and 8).

Pertaining to system claims 31-34 and 36-40

Rejection of claims 31-34 and 36-40 is based on the same rationale as noted above.

4. Claims 11, 23, and 35 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) in view of McClenahen (PTO-892, Item: V)

Ebay teaches all the above as noted under the 103(a) rejection and as noted above teaches a) a user accessing region-specific sites via a main web page (e.g. US region-specific sites, Canada, UK, and Germany region-specific sites), b) within the UK region-specific site, displaying in English to the user items for auction located in the UK, c) within the Canada region-specific site, display in

English to the user items for auction located in Canada. Although eBay does not disclose the offering listing characteristics including a listing language of the offering, eBay in combination with McClenahen teach and suggest the claimed invention. McClenahen teaches e-commerce as being revolutionary and evolutionary and mentions eBay's web site garnering a huge numbers of hits (V: see pages 1 and 2). McClenahen further teaches relatively easy access to PCs, relatively high levels of disposable income, and predominantly English-language content are three reasons e-commerce, especially business to-consumer e-commerce, is mainly a North American phenomenon now, says Andersen's Johnson. In some of the world's other significant economies-such places as France, Germany, and Japan- language is holding back e-commerce growth. Nevertheless, "it will evolve, and it will evolve following a pattern of first [having] access and second [having] content that is useful," says Johnson. Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify eBay to provide German language content to not hold back e-commerce growth in Germany as taught by McClenahen, in order to enable a seller listing an item in the eBay Germany region-specific web site to list content useful to buyers who only speak German, and thereby increase sales for eBay sellers.

Pertaining to system claim 35

Rejection of claim 35 is based on the same rationale as noted above.

5. Claim 13 is rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) in view of Pollick (Paper #20041209, PTO-892, Item: VV).

eBay teaches all the above as noted under the 103(a) rejection and teach transacting auctions globally via the eBay, but does not disclose fixed price transactions. Pollick teaches eBay and Amazon auction sites, and further teaches Zshops, a fixed-price alternative to auctions being implemented by Amazon as a customer service (VV: see at least page 5). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of eBay to implement fixed-price transactions as a customer service as taught by Pollick, in order to provide an alternative to auction-based pricing, and thereby attract users desiring fixed-pricing as a customer service.

6. Claim 41 is rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U).

EBay teaches all the above as noted under the 103(a) rejection and as noted above teaches a) a user accessing region-specific sites via a main web page (e.g. US region-specific sites, Canada, UK, and Germany region-specific sites), b) within the UK region-specific site, displaying to the user items for auction located in the UK (i.e. second plurality of offerings) in UK currency and US currency. Although eBay does not disclose pre-defined currency associated with the regional site, it would have been obvious to one of ordinary skill in the art at

time the invention was made to ascertain UK currency for a UK region-specific site as a pre-defined currency.

7. Claims 42-44 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U).

eBay teaches all the above as noted under the 103(a) rejection and as noted above teaches a) a user accessing region-specific sites via a main web page (e.g. US region-specific sites, Canada, UK, and Germany region-specific sites), b) within the UK or Canada region-specific site, displaying to the user items for auction located in the UK or Canada respective (i.e. second plurality of offerings), and c) seller's listing within the US region-specific site an item that is geographically located in a predefined geographic region associated with the regional site (e.g. Los Angeles) (U: see at least pages 2 and 4). Although eBay does not disclose the second plurality of offerings includes an offering that describes an item that is geographically located in a predefined geographic region associated with the regional site, it would have been obvious to one of ordinary skill in the art at time the invention was made to apply the predefined geographic listing features used in the US regional site to the Canada, UK, and Germany sites. For example, the UK site could have London as a predefined geographic region associated with the UK site and Montreal as a predefined geographic region in the Canada site.

eBay teaches all the above as noted under the 103(a) rejection and teaches and suggests predefined geographic regions associated with a regional site, and further teaches as previously noted that both the UK and Canada sites provide a first plurality of offerings of items available to UK site buyers (U: see page 10) and items available to Canada site buyers (U: see page 21). Although eBay does not disclose the second plurality of offerings includes an offering that describes an item that is available to ship to a predefined geographic region associated with the regional site, it would have been obvious to one of ordinary skill in the art at time the invention was made to provide a seller listing feature for an offering listed as located in the UK (i.e. second plurality) to select a predefined geographic location associated with a regional site. For example, a UK seller listing an item located in the UK may desire to target buyers in Montreal as a geographic location in Canada to increase sales.

8. Claim 45 is rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) in view of Pressler (PTO-892, Item: W)

eBay teaches all the above as noted under the 103(a) rejection and teaches items for sale, but does not disclose selling services. Pressler teaches eBay doing well by selling \$6.8 million worth of goods and services changing hands every single day electronically among buyers and sellers (W: page 2). Therefore it would have been obvious to one of ordinary skill in the art at time the invention

was made to sell goods and services on the eBay site, in order to sell \$6.8 million in a single day.

eBay and Pressler teach all the above as noted under the 103(a) rejection and as noted above teach a) selling goods and services, b) a user accessing region-specific sites via a main web page (e.g. US region-specific sites, Canada, UK, and Germany region-specific sites), c) within the UK or Canada region-specific site, displaying to the user items for auction located in the UK or Canada respective (i.e. second plurality of offerings), and d) a seller listing within the US region-specific site an item that is geographically located in a predefined geographic region associated with the regional site (e.g. Los Angeles) (U: see at least pages 2 and 4. It would have been obvious to one of ordinary skill in the art at time the invention was made to apply the predefined geographic listing features for goods and services used in the US regional site to list goods and services in the Canada, UK, and Germany sites. For example, the UK site could have London as a predefined geographic region associated with the UK site and Montreal as a predefined geographic region in the Canada site.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Examiner
June 10, 2007